

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:

Earl Howard Talbot, Sr.
Mary E. Talbot

Debtor

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Case No: B-08-81448

**MOTION OF BANKRUPTCY ADMINISTRATOR FOR
ORDER DENYING DISCHARGE OF FEMALE DEBTOR**

NOW COMES the U.S. Bankruptcy Administrator for the Middle District of North Carolina ("BA") and hereby moves the Court for entry of an order denying the female Debtor's discharge on the grounds that the female Debtor is ineligible for a discharge pursuant to 11 U.S.C. § 727(a)(8). In support hereof, the BA respectfully shows unto the Court as follows:

1. Earl Howard Talbot, Sr. and Mary E. Talbot, the Debtors herein ("the Debtors"), filed this petition under chapter 13 of the Bankruptcy Code on September 30, 2008.
2. On January 14, 2011, the female Debtor filed a notice of voluntary conversion to chapter 7 and the case was converted to a case under chapter 7 of the Bankruptcy Code.
3. The male Debtor's case was dismissed on January 3, 2011.
4. Upon information and belief, the female Debtor filed a prior chapter 7 case in the Eastern District of North Carolina on October 25, 2001(Case No. 01-03112). A discharge was entered in that case on February 2, 2002.
5. The female Debtor was granted a discharge under section 727 of the Code in a

case that was commenced within eight years before the date of the filing of the Debtor's petition in this case; therefore, the female Debtor is ineligible for a discharge in this case pursuant to 11 U.S.C. § 727(a)(8).

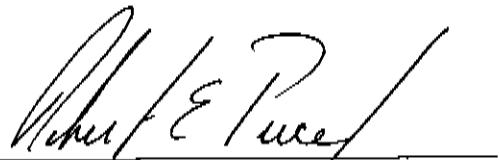
WHEREFORE, the BA respectfully requests:

- A) That the court enter an order denying the female Debtor's discharge on the grounds that the female Debtor is ineligible for a discharge pursuant to 11 U.S.C. § 727(a)(8); and
- B) That the Court grant such other and further relief as the court deems just and proper.

This the 24 day of January, 2011.

MICHAEL D. WEST, ESQ.
U.S. BANKRUPTCY ADMINISTRATOR

By



Robert E. Price, Jr.
State Bar No. 9422
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(336) 358-4170

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CERTIFICATE OF SERVICE

This is to certify that, on this date, the foregoing document was served upon the following parties or counsel by depositing a copy in the United States mail, first class, postage prepaid, addressed as follows:

John A. Northen via electronic service

Mary Elizabeth Talbot
1314 Bobolink Road
Sanford, NC 27330

John T. Orcutt
6616-203 Six Forks Rd.
Raleigh, NC 27615

DATED:

January 24, 2011



Susan O. Gattis